

Doc Code: AP.PRE.REQ

Express Mail No. EV670648819US

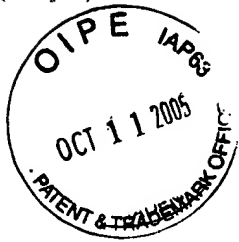
PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 418268793US	
	Application Number 09/157,697-Conf. #2801	Filed September 21, 1998	
	First Named Inventor Byisetty et al.		
	Art Unit 2141	Examiner P. H. Kang	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 55,828</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p><i>M. Macartney</i> Signature</p> <p>Michelle C. Macartney Typed or printed name</p> <p>(206) 359-8000 Telephone number</p> <p>10-11-05 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<input checked="" type="checkbox"/> *Total of 1 forms are submitted.			



EXPRESS MAIL NO. EV670648819US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Byrisetty et al.

Application No.: 09/157,697

Confirmation No.: 2801

Filed: September 21, 1998

Art Unit: 2141

For: CLIENT-SERVER CONFERENCE AND
USER SEEKING

Examiner: P. H. Kang

ARGUMENTS FOR PRE-APPEAL BRIEF REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits along with the Notice of Appeal the following arguments for consideration by the conference panel. Applicant respectfully submits that the arguments point out clear errors in the rejection of the claims. Applicant respectfully requests reconsideration of this application in view of these arguments.

ARGUMENTS

Applicant's techniques provide a way for users to learn about conference opportunities via a system or method that employs multiple servers including at least one server of a first type that maintains information about conferences and a server of a second type that stores a list of servers of the first type. A client computer may query the server of the second type to obtain server list information about servers of the first type and then may query the servers of the first type for conference opportunities.

Each of applicant's claims recites, among other elements, querying servers. For example, claim 1 recites "query the server to obtain the server list and to query each server on the server list to learn of the at least one conference maintained by each server." Via, at least in part, this querying, applicant's techniques move toward solving the problem of learning about conferences in a large organization or across a network. (Applicant's Specification at Page 1.)

The Examiner relies on Larson as a primary reference for each rejection under 35 U.S.C. § 103. For example, with respect to the rejection of claims 1, 10, 20, and 25, the Examiner asserts:

Larson teaches . . . a computer program . . . executed by the processor from the medium to query a first server . . . disposed to manage data of a first type, to obtain conferences maintained by the first server and a list of users maintained by the first server . . . and to query each server on the server list to learn of at least one conference maintained by each server on the server list.

(Office Action, May 16, 2005, ¶ 3.)

Applicant is confused by the Examiner's position, as Larson does not disclose any type of client-server interaction and, accordingly, can not possibly disclose any one of applicant's server querying elements. Rather, Larson describes a peer-to-peer-type system that does not include a server, as shown in Larson's Specification at Figure 3. The Examiner points to Larson at 9:10-47 as disclosing "querying a first

server." That portion of Larson describes the interaction of a user with various applications running on a local computer. A server is simply not described or mentioned anywhere in Larson. Larson also fails to describe either a client-server relationship or a client computer.

Larson's peer-to-peer type system uses "persistent conference objects" to store information about conferences. All of Larson's conference objects are stored at a local computer (either on disk and/or in memory) and the user is allowed to interact with the persistent conference objects via applications running on the local computer. One of these applications that a user may interact with at the local computer includes a "browser application" that may be "used by an individual to examine a collection of persistent conference objects" that reside on the local computer. Thus, contrary to the Examiner's view, Larson does not show interaction of two computers, let alone a client computer querying a server to obtain a server list or any other type of querying. Instead, Larson describes a user interacting with locally-stored persistent conference objects using a browser application.

As explained in detail in the communication filed by applicant on December 22, 2004, querying a server is also not mentioned in Okanoué (which, in general, discloses servers, in the context of "multicast groups"). The Examiner appears to agree with applicant on this point stating that Okanoué "was not relied upon specifically for the 'querying' function." (Office Action, May 16, 2005, ¶ 16.)

Because the applied references (either alone or in combination) do not disclose each of applicant's claim elements, the Examiner was clearly erroneous in his rejections. Moreover, the Examiner erred by failing provide sufficient motivation for combining Larson and Okanoué. While the Examiner generally states that the combination would have been obvious for the purpose of "enhancing the management and identification of conference groups," the general statement does not constitute a sufficient line of reasoning why Okanoué's servers should be combined with Larson's desktop conference management techniques. This suggested motivation must come

from the prior art. In re Zurko, 258 F.2d 1379, 1385-86 (Fed. Cir. 2001). The Examiner has not identified anything in the prior art that provides such suggestion or motivation. Moreover, the only suggestion of record relating to improving the management identification of conferences is applicant's specification. Thus, the Examiner recognizes improvements contributed by applicant's invention and attributes the suggestion for those improvements the same sort of common sense or background knowledge. The Federal Circuit has consistently held that reliance on such common sense or background knowledge is impermissible. Id. Since the Examiner has not provided a sufficient motivation to combine Okanoue's client-server environment with Larson's conference objects, the Examiner has failed to establish a prima facie case of obviousness.

In view of these errors, applicant respectfully requests reconsideration of this application.

Respectfully submitted,

Perkins Coie LLP

Date: Oct. 11, 2005

M. Macartney

Michelle C. Macartney
Registration No. 55,828

Correspondence Address:

Customer No. 45979
Perkins Coie LLP
P.O. Box 1247
Seattle, Washington 98111-1247
(206) 359-8000
(206) 359-4952 (Fax)
Attorneys for Applicant